

Notice of Allowability

Application No.

09/419,927

Applicant(s)

SORENSEN, MARINUS
BLAABJERG

Examiner

Fozia M Hamud

Art Unit

1647

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/17/04.
2. ☒ The allowed claim(s) is/are 10, 12-15 (now renumbered 1-5, respectively).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE:

1 Applicant has overcome the rejection of claims 10, 12-15 made under 35 U.S.C. 112, first paragraph, because the claims now recite limitations that satisfy the written description provision of 35 U.S.C. 112, first paragraph. Support for the new limitations recited in claim 10 are found on page 8, lines 20-21 and on page 14 of the instant specification. Applicant's amendment also overcame the rejection of claims 10, 12-15 made under 35 U.S.C. 112, second paragraph for removing the following indefinite limitation, "..... wherein the combination of pectin with extensin is in higher ratio that that seen in natural plants cells ..".

2. The objection to the specification made under 35 U.S.C. 132, is withdrawn, because, Applicants' argument that the change on the data on page 14, is merely to correct an erroneous data, is found persuasive.

Applicant filed an amendment to the specification on 06 October 2003 to correct two errors in the reported results of the experiments. The cloning efficiency values were changed from 11/15 to 5/15 for citrus pectin and 3/15 to 15/15 for the 50% citrus pectin/50%sugar beet fiber.

The attorney argues that he discovered that the values given in the table on page 14 of the instant application did not match those provided to him by the Applicant in his original description of the invention. Therefore, the attorney submits that they are merely correcting transcription errors. This is found persuasive, because upon examining the other data in the table on page 14, it is realistic that the 50% citrus pectin/50%sugar beet fiber experiment would have a value closer to 15/15, rather than

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the original 3/15 value. Likewise, examining the data on page 13, it is realistic that the citrus pectin experiment would have value closer to 3/15 rather than the original 11/15 in the table on page 14.

Advisory Information:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fozia M Hamud whose telephone number is (571) 272-0884. The examiner can normally be reached on Monday, Thursday-Friday, 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L Kunz can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fozia Hamud
Patent Examiner
Art Unit 1647
30 April 2004

Gary L. Kunz
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